

**MEMO ENDORSED**

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April 4, 2023

District Judge Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: 1:23-cv-01135-VEC  
Labarr v. The Epoch Times Association,  
Inc.

Dear District Judge Caproni:

This office represents the Plaintiff. In accordance with the Court's Individual Rules, Plaintiff requests to adjourn the initial status conference currently scheduled for April 14, 2023, at 10:00 AM until May 26, 2023, at 10:00 AM with accompanying submissions due by May 19, 2023.

This action was filed on February 9, 2023. ECF No. 1. The original date by which service is required to be provided to the Court is May 10, 2023. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

On February 15, 2023, "a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form" was sent to Defendant's registered agent as indicated on the summons. Fed. R. Civ. P. 4(d)(1)(C). After communication with Defendant, a revised waiver form with accompanying information pursuant to Rule 4 was sent on March 1, 2023, to Defendant's presumptive outside counsel.

Plaintiff expects Defendant to waive service of process in accordance with the Federal Rules. The waiver of service will allow Defendant and any attorneys additional time to become familiar with the action and will result in the conservation of judicial resources. Fed. R. Civ. P. 4(d)(4).

Plaintiff is aware that your Honor will not grant adjournments merely because a party has not been served. There have been no previous requests for an adjournment of the initial conference and extension of time to file the accompanying submissions. Defendant has not appeared and therefore this request is without their consent, though in communication with Defendant's presumptive counsel, Defendant does not object to this request. This request does not affect any other dates. This request is submitted at least 48 hours prior to the initial conference. Thank you.

Respectfully submitted,

/s/Spencer Sheehan

**Certificate of Service**

I certify that on April 4, 2023, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan

Application GRANTED. The Initial Pre-trial Conference scheduled for Friday, April 14, 2023 at 10:00 A.M. is hereby adjourned until **Friday, May 26, 2023 at 10:00 A.M.** The parties' joint letter and proposed case management plan is due not later than **Thursday, May 18, 2023.**

Plaintiff must file Defendant's waiver and Defendant must file a notice of appearance **promptly** in accordance with local rules. Plaintiff's deadline to serve Defendant remains **May 10, 2023.**

**No further adjournment requests will be granted.**

SO ORDERED.

 04/04/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE